Implementation of PA 21-29 Subcommittee

MINUTES

3:00 p.m. Main level meeting room

ZONING COMMISSIONERS PRESENT: Mrs. Hill, Mr. Solley HOUSING COMMISSIONERS PRESENT: Mrs. Gorra, Mr. Woodroofe ALSO PRESENT: Mr. Charles

Mr. Solley called the meeting to order at 3:05 p.m.

Mrs. Hill said she had hoped that some of the different views held by subcommittee members could be discussed and resolved at this meeting so the draft could be presented to the Zoning Commission, but unfortunately, that would not now be possible because those with opposing opinions were absent.

Mr. Solley stated he had recently received advice that the MFH regulations should be kept as simple as possible. To that end, he thought it would be best to require special permits for all MFH applications for the following reasons: it would be a simpler process to require special permits for all MFH applications than it would be for some to be reviewed by special permit and others by Commission site plan review, “everyone” is used to the special permit process, with special permits the public better understands what is being acted on, and the special permit process provides the Commission with the option to vote “no.” He noted Mrs. Andersen and Mr. White had agreed with this opinion in the past.

Mr. Solley suggested another way to keep the MFH regulations simple would be to reconsider the current proposed 10% Affordable per 8-30g requirement for all MFH projects. He thought the Commission could instead direct applicants to provide Affordable units under the special permit process. Mrs. Gorra was concerned the number of Affordable units required would then depend on who was serving on the Commission at the time the application was submitted. Mr. Charles pointed out the Town has had only 2% Affordable housing for the past 20 years and so the 10% requirement was needed to help Washington accomplish the state goal of 10%. Mr. Solley said the 10% requirement was complicated and so thought this could be handled in some way other than incorporating this requirement in the regulations. Mrs. Gorra noted if it was not required in the regulations we could not be assured that it would happen.

Potential problems with the 10% Affordable unit requirement were briefly discussed. Some thought all of the units would have to be comparable, but others noted that was required only when the MFH was applied for under state statute 8-30g. Questions were raised about the tax assessment for the Affordable units vs the market rate units. Mr. Solley expressed concern about how developers would deal with the 10% requirement and asked if the subcommittee envisioned adding a section to 13.12.5 to specify standards for the Affordable units. He noted, too, that administration of the Affordable units would be required. Mrs. Hill said she had briefly discussed this with Mr. Fairbairn, president of the Washington Community Housing Trust, who said the Trust would take on this responsibility.

Mrs. Hill did not think that under the special permit process a developer could be directed to provide Affordable units if this was not required in the regulations. Mr. Solley thought a 10% requirement was not straightforward like the setback requirements, for example, and questioned how the number of Affordable units would be computed for projects with less than 10 units. Mrs. Gorra read from draft section 13.12.5, which states that the number of Affordable units required shall be rounded up to the next whole unit.

Mrs. Hill also questioned the rationale for requiring special permits for all MFH applications due to public “blow back.” She asked if “blow back” from Atty. Zizka, who had advised that at least some MFH should be by right, and the goal of PA 21-29 were being considered. Mr. Solley said the special permit process would be even handed to developers because what was required to get approval for a MFH project would be specified and to the neighbors who would be able to participate in the process. It was noted under the proposed draft, the public would be able to comment even when MFH applications were handled by site plan review by the Commission. Mr. Woodroofe pointed out that when reviewing a MFH application under site plan review, the Commission could call for a public hearing based on input from neighbors. He said he hoped these applications could be handled in a low key way rather than immediately going into panic mode with special permit requirements. Mr. Solley explained the special permit process gives the Commission discretion. Mrs. Hill countered that the MFH standards proposed in Sections 13.12.6 and 13.12.7 were in some cases more specific or detailed than some of the current special permit standards. She also thought the special permit process may give the public the impression that it has more power than it actually does because the Commission must approve an application that meets the requirements of the regulations no matter how much the public might object. Mr. Charles noted how large some of the by right single family dwellings are and said it could be argued the Town was exclusionary if it required special permits for all MFH, but not for large houses.

Mr. Solley briefly referred to subdivisions, which had been brought up several times in past meetings. He did not think subdivisions came into play in the proposed MFH regulations, nor that the subcommittee should be involved in the subdivision process. Mrs. Hill noted per the state statutes subdivisions are not under the Zoning Commission’s jurisdiction. Mr. Charles noted that in a case where MFH was proposed on a smaller lot, FEMA, the Health Department, the Inland Wetlands Commission, etc. would also have jurisdiction.

At the last meeting Mrs. Hill had been asked to send her review, “Standards Comparison: Existing 13.1.C vs Proposed 13.12,” to all in the subcommittee. She suggested some of her conclusions in that document might be considered biased as she had already decided she supported site plan review by the Commission for smaller sized MFH applications, which met specific standards in the regulations. She hoped everyone would feel free to present any different opinions. Mrs. Gorra and Mr. Woodroofe did not find the report to be biased. Mr. Woodroofe referred to special permit standard 13.1.C.9 regarding keeping blasting to a minimum and said quantification should be added to the existing language in order to prevent excessive excavation like what is now occurring around the lake.

Returning to the discussion about whether to include the 10% Affordable unit requirement, Mr. Solley asked if the inclusion of Affordable units in a project would automatically lower the value of the property. Mrs. Hill pointed out there are many standards included in Section 13.12 to protect the value of both the MFH property and that of adjacent properties.

Mrs. Hill asked if the subcommittee would consider Mr. Solomon’s concern raised at the last meeting that there should be a limit set for building size in MFH projects. Mr. Solley explained Mr. Solomon did not think four 8000 sq. ft. units should be allowed within a single MFH building because that size building would not be appropriate for any residential neighborhood in Town. Mr. Charles pointed out that it is hoped that large farmhouses and barns might be converted to MFH and asked whether a size limit should also be imposed for single family dwellings, which can also impact a neighborhood with noise and traffic. Mrs. Hill read proposed section 13.12.6.C, which requires proposed architecture to be residential in style and harmonious in scale and proportion to be compatible with the existing neighborhood and surrounding community. Mr. Solley said he would have no problem capping the size of individual units to 2400 to 3000 sq. ft. Mrs. Hill asked if this could be considered discriminatory against people with families.

Whether to set any size limits or size limits on individual units or on building size was discussed. Mr. Charles provided average sq. ft. information for the Bee Brook and Quarry Ridge condos, which varied between 1440 and approximately 2600. Mrs. Gorra asked how the subcommittee would determine what size footprint would be acceptable. Mr. Solley suggested it should be half of the total sq. footage or 1200 to 1600 sq. ft. per unit including the garage. He thought Mr. Solomon’s example was far above the total volume the Commission would consider reasonable.

Mr. Solley stated the subcommittee had been discussing the same issues at every meeting, noted he understood both sides of the issue of special permit vs site plan review by the Commission, and asked Mrs. Hill to send out her standards comparison again.

Mrs. Hill noted sections 13.12.4.B and 13.12.11.A regarding front line setback requirements conflicted. She will include language for an exception in 13.12.11.A in the next draft.

Unit size and building size were discussed again. Mr. Charles provided additional condo unit information, some sq. footage including finished basements and/or garages, but it was noted decks were not counted. He suggested the number of stories is more impactful than the sq. footage of the building. He noted capes with dormers have a much lower profile than full two story buildings.

Final Business: It was the consensus that the next meeting should be held when those who were not present today could attend. Mrs. Hill will send an email to ask them whether Wednesday, June 14 or Thursday, June 15 is more convenient before the next meeting is scheduled. The 5/17/23 subcommittee minutes were accepted as written. The meeting was adjourned at 4:52 p.m.

FILED SUBJECT TO APPROVAL

Respectfully submitted,

Janet M. Hill